

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10023-GAO

MICHAEL S. SUBENKO,
Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS, ET AL,
Respondents,

NOTICE OF APPEAL

Now comes the petitioner, Michael S. Subenko, and hereby gives notice of appeal to the judgment and order dismissing the petitioner's action with prejudice, entered upon the Court Docket of the United States District Court, District of Massachusetts on November 10, 2004.

Petitioner states that his action was improperly dismissed as time-barred under 28 U.S.C. § 2244(d) and intends to appeal that judgment to the United States Court of Appeals for the First Circuit.

Respectfully submitted,

CERTIFICATE OF SERVICE

I, Michael Subenko, hereby certify that a copy of petitioner's Notice of Appeal has been served upon counsel for the respondent's via first class, prepaid postage on this 30th day of November, 2004.

Michael Subenko
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